

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**

IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

IN RE: HOLOCAUST VICTIM ASSETS  
LITIGATION

★ JAN 3 2006

Case No. CV 96-4849 (ERK)(MDG)

★ Consolidated with CV 96-5161  
and CV 97-461)

**BROOKLYN OFFICE**

This Document Relates to: All Cases

**MEMORANDUM & ORDER**

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**MEMORANDUM & ORDER APPROVING SET 89: 23 AWARDS AND 22 AWARD DENIALS  
CERTIFIED BY THE CLAIMS RESOLUTION TRIBUNAL PURSUANT TO ARTICLE 31(2) OF  
THE RULES GOVERNING THE CLAIMS RESOLUTION PROCESS AND AUTHORIZING  
PAYMENT FROM THE SETTLEMENT FUND**

KORMAN, C.J.:

As provided under the Settlement Agreement, and in accordance with the procedures established in the December 8, 2000 Memorandum & Order and in the Distribution Plan, Special Master Helen B. Junz, appointed by the Court to supervise the Claims Resolution Process with Special Master Michael Bradfield, is hereby requesting the Court's approval, pursuant to Article 31(2) of the Rules, of 23 Awards listed in Annex A and of 22 Award Denials listed in Annex B to this Order, which have been certified by the Claims Resolution Tribunal (the "CRT") and the resources to pay these Awards through funds to be deposited in the Swiss Banks Settlement-Dormant Accounts-Payment Account from the Settlement Fund. The total amount of these 23 Awards is US\$ 2,917,471.38 (SF 3,821,887.51 converted at a rate of 1.31 Swiss Francs per U.S. Dollar).

If the Court approves the eighty-ninth set and any previously submitted, but not yet approved sets, a total of 3,317 accounts, with a current value of US\$ 287,358,150.12, will have been awarded thus far under CRT I and CRT II combined. Under CRT II alone, including the Awards submitted with this letter, a total of 1,925 Awards for 3,110 accounts totaling US\$ 275,658,150.12, will have been made to Victims or Targets of Nazi Persecution making up the Deposited Assets Class, with the average Award amounting to US\$ 131,911.55.<sup>1</sup> Under CRT I, which took place from 1997 through 2000, 207 accounts, with a value of US\$ 11.7 million, were awarded as accounts belonging to Victims of Nazi Persecution.

<sup>1</sup> Because the size of the Batch 75 award made it an outlier that would have skewed the results, it was not included in the calculation of the average values.

Furthermore, a total of 709 Certified Denials will have been approved under CRT II. In 636 of these 709 Denials, the CRT concluded that the Claimant was not able to identify his or her relative as the Account Owner, in 55 cases the CRT concluded that the Account Owner closed the account and received the proceeds him/her self, in 13 cases the CRT determined that the Claimant was not entitled to the Account Owner's account, and in 5 cases the CRT determined that the evidence submitted was insufficient to support the existence of a bank account belonging to the Claimed Account Owner. Under CRT I no Denials were submitted to the Court.

As set forth in the Awards and as required by Article 31(3) of the Rules, the Certified Awards shall be paid in full by the Special Masters after approval of such Awards by the Court.

Therefore, it is hereby

ORDERED that the attached 23 Awards are hereby approved for payment pursuant to Article 31(2) of the Rules;

ORDERED that for the payment of these 23 Awards certified by the CRT and approved by the Court, the Signatories of the Settlement Fund are hereby directed to transfer immediately US\$ 2,917,471.38 from the Settlement Fund to the Swiss Banks Settlement-Dormant Accounts-Payment Account; and

ORDERED that the attached 22 Award Denials are hereby approved for release to the relevant Claimants.

It is further ordered that the Special Masters shall provide the Court with the name and address of every class member receiving an Award or Award Denial, which information shall be filed with the Court under seal.

I will issue additional orders approving Awards certified by the CRT and transferring further sums from the Settlement Fund as the CRT certifies them to this Court.

Dated: Brooklyn, New York  
December 14, 2005

SO ORDERED:

s/Edward R. Korman

Edward R. Korman  
United States District Judge

# CLAIMS RESOLUTION TRIBUNAL

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[Batch LXXXIX] -Annex A - UNREDACTED  
CONFIDENTIAL

Pursuant to Article 16 of the Rules Governing the Claims Resolution Tribunal, as amended, (the "Rules"), the Claims Resolution Tribunal hereby certifies as of December 6, 2005 the following Awards for approval by the Court and payment by the Special Masters:

Account Owner Last Name and Claim Number	Award Amount (SFr.)
1. Arditti 500600/MBC	26,750.00
2. Bass, Helene 203128/ES; 222519/ES; 222629/ES	204,750.00
3. Bizjak 501238/AE	411,050.00
4. Brunner 224269/AE; 720582/AE; 716289/AE	49,375.00
5. Fischl 222699/AX; 780452/AX	34,000.00
6. Freud 501390/AC; 501420/AC; 501437/AC	26,750.00
7. Freud 501441/AC	216,000.00
8. Fromm 782797/AK	405,250.00
9. Graf 216538/MBC	49,375.00
10. Herrmann 700651/WM; 732593/WM; 700661/WM	220,250.00
11. Holzinger-Waibel 004963/AC	49,375.00
12. Hutter 005324/KG; 221720/KG*	26,750.00
13. Levy 501103/AX	189,250.00
14. Maass-von Portheim 501112/KG; 501199/KG; 501517/KG	921,584.38
15. Maier 218078/AV	183,250.00
16. Moser 770004/AC	49,375.00
17. Picard-Ulmann 213042/MBC; 601233/MBC	12,003.13
18. Reuter 204807/AK	26,750.00
19. Rubensohn 501177/AV; 501186/AV	189,250.00
20. Schneider 201562/AK; et al *	49,375.00
21. Unger 500358/AC	242,750.00
22. Wild 777640/SJ	49,375.00
23. Winternitz 501390/AC	189,250.00
<b>Total</b>	<b>3,821,887.51</b>
<b>Total amount in US Dollars<sup>2</sup></b>	<b>2,917,471.38</b>

\*MPM Award

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<sup>2</sup> Exchange rate as of 6 December 2005 of 1.31 Swiss Francs per U.S. Dollar.

# CLAIMS RESOLUTION TRIBUNAL

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[Batch LXXXIX] -Annex B - UNREDACTED  
CONFIDENTIAL

Pursuant to Article 16 of the Rules Governing the Claims Resolution Tribunal, as amended, (the "Rules"), the Claims Resolution Tribunal hereby certifies as of December 6, 2005 the following Award Denial for approval by the Court:

1. Ber Katz 216495/AV	Identification
2. Braun 222637/SB	Identification
3. Friedmann 220238/SB	Identification
4. Fuchs 003288/MG; 715857/MG	Identification
5. Goldberg 601664/AK	Identification
6. Haas 500436/MG	Identification
7. Heller 775780/SB	Identification
8. Hirsch 214698/SB	Identification
9. Horn 206693/AB	Identification
10. Kochmann 002250/SB	Identification
11. Kraus 223452/KG	Identification
12. Lemke 150116/AV	Identification
13. Levy 218261/SB	Identification
14. Palmada-Steiner 205119/MD/MG	Identification
15. Rosenberg 772615/SB	Identification
16. Schönfeld 000274/AV	Identification
17. Steiner 002858/SB; 216498/SB	Identification
18. Stern 216189/AV	Identification
19. Strauss 600090/OW	Identification
20. Weil 501477/AE	Identification
21. Weiss 214946/SB; 214947/SB; 214949/SB	Identification
22. Wohlgemuth 150121/SB	Identification